



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, February 11, 2009
9:00 AM**

Chairman Wilson read the following notice:

I would like to note for the record, the Board has previously expressed concerns about the adversarial positions the county attorney's office has often taken against the Board. This concern has caused us to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing.

I see that the county attorney's office is in attendance at this meeting – presumably to advise the Board as we proceed with the meeting. In light of the stated concerns, the

Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.

1. INVOCATION

Ken Harris, Assistant County Manager, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Tim Phillips, Chief Engineer, Flood Control District, led the assemblage in the Pledge.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, February 11, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

BOARD OF SUPERVISORS

4. Pet Showcase by Maricopa County Animal Care and Control.

Aprille Hollis introduced two-year-old Stella, a Cairn Terrier with a possible touch of Jack Russell Terrier. Ms. Hollis said that Stella likes belly rubs, is familiar with walking on a leash and has been friendly with everyone she saw before the meeting began. Stella was neutered a week before the meeting and would be ready to be adopted at noon. Ms. Hollis gave the number people can call regarding this dog or other adoptable pets: 620-50-7387.

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. NEW SERIES LIQUOR LICENSE FOR SWEET RUSTIC AMERICAN GRILL

Approve an application filed by John Salem for a New Series 12 Liquor License for Sweet Rustic American Grill & Cantina at 15472 N. 99th Avenue, Ste 5, Sun City, AZ 85351. (MCLL #6284) (AZ #12077873) (Supervisory District 4) (C-06-09-249-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

b. NEW SERIES LIQUOR LICENSE FOR SUNSET GYROS

Approve an application filed by Ramzi Isaac Odesho for a New Series 12 Liquor License, Sunset Gyros at 15462 N. 99th Avenue, Sun City, AZ 85351. (MCLL #6286) (AZ #12077874) (Supervisory District 4) (C-06-09-253-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

c. SPECIAL EVENT LIQUOR LICENSE FOR ST. ROSE/GOOD SHEPHERD PARISH CHURCH

Approve a Special Event Liquor License Application for Nicanor B. Bello, St. Rose/Good Shepherd Parish Church, 45033 N. 12th Street, New River, AZ 85087, on February 14, 2009 at 11am-3pm. (Supervisory District 3) (C-06-09-259-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

d. SPECIAL EVENT LIQUOR LICENSE FOR KNIGHTS OF COLUMBUS #12144

Approve a Special Event Liquor License Application for Richard F. McManus, Knights of Columbus #12144 at 9728 W. Palmeras Drive, Sun City, AZ 85373 on March 21, 2009 from 6pm-12am. (Supervisory District 4) (C-06-09-260-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

e. SPECIAL EVENT LIQUOR LICENSE FOR OUR LADY OF LOURDES MEN'S CLUB

Approve three Special Event Liquor License Applications for Louis N. Garcia for Our Lady Lourdes Parish Men's Club at 14818 W. Deer Valley Drive, Sun City West, AZ 85375 on March 3, 2009 5pm-9pm, April 25, 2009 11:30am-2pm and May 5, 2009 5pm-9pm. (Supervisory District 4) (C-06-09-261-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

f. SPECIAL EVENT LIQUOR LICENSE FOR ST. ELIZABETH SETON CATHOLIC PARISH OF SUN CITY

Approve a Special Event Liquor License Application for Richard F. McManus, St. Elizabeth Seton Catholic Parish of Sun City at 9728 W. Palmeras Drive, Sun City, AZ 85373 on February 21, 2009 from 4pm-10pm. (Supervisory District 4) (C-06-09-270-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Sheriff

6. IGA WITH FORT MCDOWELL YAVAPAI NATION FOR VIDEO CONFERENCE ARRAIGNMENT HEARINGS

Approve an Intergovernmental Agreement (IGA) between the Fort McDowell Yavapai Nation and Maricopa County on behalf of the Sheriff's Office for Inmate Transport/Escort to Video Arraignment Hearings to begin December 1, 2008, or upon the date that all signatures have been obtained and it has been filed with the Secretary of State. The initial term of this agreement is through June 30, 2011, and it will automatically renew for one-year terms. This agreement can be cancelled for any reason upon 30 days written notice to the other party.

If approved, this agreement will allow the Fort McDowell Yavapai Nation to participate in video arraignment hearings between tribal inmates and the tribal court. Inmates are currently picked up at the jails and returned by Tribal police who transport them to tribal court sites for hearings. This Agreement provides a mechanism for those hearings to take place remotely, with no tangible impact on the Sheriff's Office. This Agreement has been coordinated with the Maricopa County Office of Enterprise Technology (OET), the designated facilitator for the related Telecommunications Services and line/equipment Fee Structure, and a simultaneous action item is being presented for action." (C-50-09-053-M-00)

The Clerk announced that Mark Voigt was present to answer any questions the Board might have, but there were no questions.

Supervisor Stapley said he thought items 6 and 7 were very good, progressive ideas and he looked forward to the relationship with the Fort McDowell Yavapai Nation.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

7. AGREEMENT WITH FORT MCDOWELL YAVAPAI NATION FOR MUTUAL PROTECTION AND ASSISTANCE

Approve an agreement for mutual protection and assistance in the field of law enforcement between the Fort McDowell Yavapai Nation and Maricopa County (on behalf of the Sheriff's Office) pursuant to A.R.S. 11-951 and A.R.S. Section 13-3872. The term of this agreement is July 1, 2008 for a period of three years. This agreement may be cancelled or terminated by either party at any time upon 30 days written notice.

The parties will provide assistance only upon a duly authorized request for assistance by the other party and when it does not conflict with current duties. Each party is responsible for the salaries, liability, and equipment of its own respective duly commissioned officers. (C-50-09-052-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Superintendent of Schools

8. APPLY AND ACCEPT THE 21ST CENTURY LEARNING CENTERS RENEWAL GRANT FROM ARIZONA DEPARTMENT OF EDUCATION

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE), (09FSECY5-970696-01A), in the not-to-exceed amount of \$74,998.30 for the purpose of providing an after-school program for students in the Saddle Mountain Unified School District #90. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools' composite indirect cost rate at 19.50%, or \$0. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$14,624.67. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This twelve-month grant from the Arizona Department of Education (ADE) will provide training and travel expenses for teachers and students in Maricopa County. It is the objective of this grant program to provide these teachers with professional development to help them gain a global perspective, use technology better and use more hands-on teaching strategies. (C-37-09-005-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

9. APPLY AND ACCEPT THE GIFTED EDUCATION CONSORTIUM GRANT FOR SMALL SCHOOLS

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE), (09SSAGFT-960738-01A), in the not-to-exceed amount of \$16,674 for the purpose of improving instructional services for Gifted students within the Maricopa County Regional Special Services District Gifted Consortium for small schools. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools composite indirect cost rate at 19.50%, or \$0. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$3,251.43. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This one year grant from the Arizona Department of Education (ADE) will provide high quality professional development for membership schools in the consortium via a series of real-time Webinar trainings and to provide schools with state approved assessment materials for the identification of Gifted students. The grant allows for the purchase of manipulative supplemental materials for the classroom that are in accordance with ADE requirements for effective differentiate instruction. (C-37-09-006-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

10. APPLY AND ACCEPT THE STATE CHEMICAL ABUSE GRANT

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE), (09SSDCHM-960738-03A), in the not-to-exceed amount of \$5,000 for the purpose of providing services for Small and Rural School Districts within Maricopa County through approved programs and professional counseling that will enhance the safe school concept. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools' composite indirect cost rate at 19.50%, or \$0. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$975. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This 12-month grant from the Arizona Department of Education (ADE) will provide Small and Rural School Districts with funding for approved drug prevention programs such as "Keepin It Real" and "The Great Body Shop", and professional consultants/counselors and psychologists for crisis management to enhance the safe school concept. (C-37-09-007-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

11. APPLY AND ACCEPT THE TITLE IV SAFE & DRUG FREE GRANT

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE), (09FSDIVB-960738-02A), in the not-to-exceed amount of \$10,533 for the purpose of providing services for Small and Rural School Districts within Maricopa County through approved programs and professional counseling that will enhance the safe school concept. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of School's composite indirect cost rate at 19.50%, or \$0. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$2,053.94. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This twelve-month grant from the Arizona Department of Education (ADE) will provide Small and Rural School Districts with funding for approved drug prevention programs such as "Keepin It Real" and "The Great Body Shop", and professional consultants/counselors and psychologists for crisis management to enhance the safe school concept. (C-37-09-008-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

12. APPLY AND ACCEPT THE TITLE II-D, STATEWIDE INSTRUCTIONAL TECHNOLOGY PROJECT GRANT

Approve the application and acceptance of grant funds from Arizona Department of Education (ADE), (09FETSTP-960950-09A), in the not-to-exceed amount of \$162,701 for the purpose of providing a professional development program targeting teachers in Maricopa County. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools' composite indirect cost rate at 19.50%, or \$0. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$31,726.70. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This one year grant from the Arizona Department of Education (ADE) is written to provide training and support services for acquiring standards-based instructional integration practices for K-12 public, charter, and private school teachers in Maricopa County. It is the objective of this grant program to provide these teachers with professional development to help them integrate technology into the curriculum to increase student achievement. (C-37-09-009-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Treasurer

13. TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT SUMMARY REPORT

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment summary reports for December 2008, as on file in the Clerk of the Board's office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-09-016-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

COUNTY MANAGER

Government Relations

14. ADMINISTRATIVE CORRECTION FOR APPROPRIATION ADJUSTMENT FOR A TRIBAL GAMING GRANT

Approve Administrative Correction to the action taken on February 16, 2005 (C-20-05-006-2-00) that approved an Intergovernmental Agreement with the Fort McDowell Yavapai Nation regarding their contributions to the Human Services Campus Campaign. This action will cause agenda item C-20-05-006-2-00 to read: if awarded, pursuant to A.R.S. 42-17106(B), approve adjustments in the amount of the actual award to the appropriated revenue and

expenditure budget for the County Manager's Office (200) Non Departmental Grant Fund (249) Non Recurring Non Project (0001). Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and therefore expenditures of these revenues are not prohibited by the law. This adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. This correction does not change the direction or intent of the previous actions.

Maricopa County is in receipt of the final award of \$25,000. Therefore, an appropriation adjustment is required. (C-20-05-006-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Justice System Planning and Information

15. MODIFY MEMBERSHIP OF MARICOPA COUNTY COMMISSION OF JUSTICE SYSTEM INTERVENTION FOR THE SERIOUSLY MENTALLY ILL

Modify the composition of the Maricopa County Commission of Justice System Intervention for the Seriously Mentally Ill to include a member of Veterans' Administration, a member of Native American Affairs, a member of continuity of care, and an additional legislator. Authorize the Chair of the Board of Supervisors to appoint these members. (C-42-09-007-M-00)

Supervisor Stapley said that recently seated Governor Jan Brewer was, of necessity, released from her seat on this very important board and State Representative Nancy Barto will assume the seat vacated by Governor Brewer.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

DEPUTY COUNTY MANAGER

Employee Health Initiatives

16. FY 2009-10 DENTAL INSURANCE PROGRAM EMPLOYER & RETIREE DENTAL RATES

1. Approve full and part-time employer dental benefit rates for the fully insured Delta Dental Plan effective July 1, 2009 through June 30, 2010 for active employees. Rate Sheet available in the Office of the Clerk of the Board. 2. Approve full and part-time employer dental benefit rates for the self-insured CIGNA Dental Plan effective July 1, 2009 through June 30, 2010 for active employees. Rate Sheet available in the Office of the Clerk of the Board. 3. Approve full and part-time employer dental benefit rates for the fully insured Employers Dental Services Dental Plan effective July 1, 2009 through June 30, 2010 for active employees. Rate Sheet available in the Office of the Clerk of the Board. 4. Approve funding for the employer dental benefit rates as follows: a. Charge departmental budgets for employees enrolled in dental plans at a total amount not to exceed FY 2008-09 levels. b. Fund the difference between the FY 2009-10 adopted employer dental benefit rates and the amount charged to departments (i.e. the FY 2008-09 employer dental benefit rates) from the Benefits Trust (685) fund balance. Based on current enrollment, this is estimated to be \$162,947 for FY 2009-10. This action constitutes a planned spend-down of the Benefits Trust fund balance. 5. Approve the dental benefit rates for retirees effective July 1, 2009

through June 30, 2010. Rate Sheet available in the Office of the Clerk of the Board. The FY 2009-10 dental program recommendations and active employee dental benefit rates were approved by the Board of Supervisors on December 17, 2008 (C-35-09-005-M-00).

The Rate Sheet on file illustrates the monthly Premium (Cost) total and employer cost for the dental benefit offerings effective July 1, 2009 through June 30, 2010 for full-time/part-time active employees and retirees rates. There is no employer contribution towards the monthly cost of the retiree rates.
(C-35-09-005-M-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

17. FY 2009-10 HEALTH INSURANCE PROGRAM RATES

1. Approve the Health Benefits rates for active employees, the pre-Medicare retiree health benefit rates and Medicare-eligible rates for July 1, 2009 through June 30, 2010. Rate Sheet available in the Office of the Clerk of the Board. Included in the Health Benefit rates are the premium for the medical, pharmacy, behavioral health, vision, contract administration and CIGNA incentive components. 2. Approve the Maricopa County full-time and part-time employer health benefit rates for July 1, 2009 through June 30, 2010 for active employees. 3. Approve funding for the FY 2009-10 employer health benefit rates as follows: a. Charge departmental budgets for employees enrolled in health insurance plans at a total amount not to exceed the FY 2008-09 levels. b. Fund the difference between the FY 2009-10 adopted employer benefit rates and the amount charged to departments (i.e. the FY 2008-09 rates) from the Benefits Trust (685) fund balance. Based on current enrollment, this is estimated to be \$11,561,247 for FY 2009-10. This action constitutes a planned spend-down of the Benefits Trust fund balance. The FY 2009-10 health insurance program recommendations and active employee rates were approved by the Board of Supervisor on December 17, 2008 (C-35-09-004-M-00)

The Rate Sheet on file illustrates the monthly total and employer cost for the health benefit rates for active employees, pre-Medicare retirees and Medicare-eligible retirees. For pre-Medicare retiree monthly rates and Medicare-eligible retiree monthly rates, the cost is completely funded by the retiree. There is no employer contribution towards the monthly cost. On December 17, 2008, the FY 2009-10 health insurance program recommendations and active employee rates were approved by the Board of Supervisors (C-35-09-004-M-00).
(C-35-09-005-M-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Health

18. AMENDMENT TO IGA WITH WICKENBURG UNIFIED SCHOOL DISTRICT

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with Wickenburg Unified School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$3,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$10,000 for the term July 1, 2006 through May 1, 2009.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-07-427-2-03)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

19. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR TUBERCULOSIS CONTROL PROGRAM

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) No. (HG854521) between the Arizona Department of Health Services and Maricopa County through its Department of Public Health for the Tuberculosis Control Program. This amendment will decrease grant funding and will replace the current price sheet with a revised price sheet reflecting the decrease budget amount from \$622,594 to \$575,082. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged. The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and however, the estimated indirect expense amount is reduced from \$94,972 to \$87,725.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-09-008-G-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

20. AMENDMENT TO LEASE AGREEMENT FOR WIC CLINIC WITH SOUTHWEST REAL ESTATE

Approve and execute Amendment No. 5 to full service Lease No. L-7140 with Southwest Real Estate, Lessor, for a 3,600 square foot Public WIC facility located at 4002 N. 67th Avenue, Suite 10, Phoenix, AZ. This amendment will extend the term of the lease from May 1, 2009 through April 30, 2014. The annual rental fees for the amended lease term are: 09/10 = \$93,672.00, 10/11 = \$96,480.00, 11/12 = \$99,360.00, 12/13 = \$102,348.00, 13/14 = \$105,408.00 plus rental tax. Either Lessor or Lessee may terminate this lease with 90-day written notice. (C-86-00-020-4-05)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

21. IGA WITH MARICOPA INTEGRATED HEALTH SYSTEMS FOR MASK FIT TESTING SERVICES

Approve Intergovernmental Agreement (IGA) between Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health Systems (MIHS)(C-90-09-052-1-00) and Maricopa County through its Department of Public Health to allow MIHS to perform respiratory mask fit testing services to the employees of Public Health. The services will be provided to both Public Health Emergency Management (PHEM) and Non-PHEM employees. Funding for this agreement in the amount of \$30,000 is provided by a grant from the Arizona Department of Health Services and the remainder of \$7,050 is supported by General fund of which is already included in their annual operating budget. The budget amount for this IGA is \$37,050 for the budget term from December 1, 2008 through November 30, 2011. (C-86-09-043-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

22. AMENDMENT TO CONTRACT WITH PHOENIX CHILDREN'S HOSPITAL FOR MOBILE MEDICAL CLINIC

Approve Amendment No. 1 to Contract between Phoenix Children's Hospital (PCH) and Maricopa County through its Department of Public Health, Healthcare for the Homeless (HCH) Program to provide medical services to homeless youth via a mobile medical clinic. This amendment makes administrative changes to Section III. Work Statement. All other terms and conditions of the original contract shall remain in full force and effect including the term of November 1, 2008 to October 31, 2009.

This subcontract is exempt from the Maricopa County Procurement Code under Section MC1-102C, as it is a prior designated subcontractor of the Grantor. Funding for this contract is provided by a grant from the Health Resources and Services Administration and will not affect the County general fund. (C-86-09-036-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

23. ADMINISTRATIVE CORRECTION TO AGENDA FOR LEASE AGREEMENT WITH BRITTANY SQUARE SHOPPING CENTER

Approve administrative correction to agenda item C-86-04-022-4-01, dated December 17, 2008, which approved Lease No. L-7343 with Brittany Square Shopping Center, LLLP, a limited liability limited partnership, for 2,368 square feet of clinic space at 6666 W. Peoria Ave., Glendale, AZ. This correction specifies the complete title of the new landlord to said shopping center as Binderup Investments, Inc., DBA Arizona Brittany Square, LLC, as Lessor. All other terms and conditions of the lease remain the same, with the correction of ownership the only change. As such, this is an informational request. (C-86-04-022-4-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

24. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICE FOR DENTAL SEALANT PROGRAM

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) Contract No. HG861344 between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide grant funding for the Dental Sealant Program and Prevention Dental Services. The budget period for this Amendment is January 1, 2009 through December 31, 2009 for the budget amount of \$341,700. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged. The Department of Public Health's FY08-09 indirect rate is 18%. This grant allows for 10% indirect cost reimbursement, therefore; of the \$55,915 in total indirect expense, \$31,064 is recoverable and \$24,851 is unrecoverable. Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-057-2-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

25. AGREEMENT TO PARTICIPATE AND CONSENT WITH THE CENTER FOR DISEASE CONTROL AND PREVENTION FOR ELECTRONIC DISEASE NOTIFICATION SYSTEM

Approve non-financial Agreement to Participate and Consent, Memorandum of Understanding (MOU), between the Division of Global Migration and Quarantine, Centers for

Disease Control (CDC) and Prevention and Maricopa County and its Department of Public Health (MCDPH), Clinical Services for use of the Electronic Disease Notification (EDN) System. The EDN System will gather local Tuberculosis (TB) client data and information. This MOU will enter into effect upon the signature of both parties and will remain in effect until terminated. The MOU may terminate upon 30 days written notification to the other party. (C-86-09-049-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

26. RESCIND AND APPROVE THE AGREEMENT FOR THE USE OF FACILITIES WITH CITY OF PHOENIX FOR SKY HARBOR AIRPORT

1. Rescind the action taken on November 19, 2008 (C-86-09-033-3-00) to approve the Agreement for the Use of Facilities between City of Phoenix and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM). Pursuant to this action, Maricopa County executed 3 duplicate originals and returned them to Phoenix to counter sign. Subsequently, Phoenix submitted a revised version of the agreement to PHEM. 2. Approve the (revised) Agreement for the Use of Facilities between City of Phoenix and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM) to collaborate with the City of Phoenix for the use of Sky Harbor Airport in the even of a public health emergency. The term of this non-financial agreement shall begin upon execution by both parties and shall be in effect until terminated by either party. (C-86-09-033-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Workforce Management and Development

27. ACCEPT CARRYOVER FUNDS FROM HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) FOR RYAN WHITE PART A HIV/AIDS PROGRAM

Accept \$1,127,793 in carryover funding from Health Resources And Services Administration (HRSA) through grant # H89HA00031T, from grant year 2007 for services to be provided to Ryan White Part A HIV/AIDS program clients for primary care, oral health, and pharmaceuticals. All these additional grant funding will be expended through June 30, 2009.

Approve revenue and expenditure appropriation adjustments to Health Care Programs Department (391), Ryan White Part A HIV/AIDS Program Fund (532) Operating budget (0000) associated with the aforementioned grant in an amount of \$1,127,793 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by Health Resources and Services Administration and will not impact the County general fund. HRSA allows for indirect costs which are included in the 10% Administration. The additional funding of \$1,127,793 is for direct services only and will be passed through to subrecipients and therefore not subject to indirect charges. (C-31-09-009-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

28. DONATION FROM MADDIE'S FUND

Accept the monetary donation from Maddie's Fund of Phoenix, AZ in the amount of \$94,656 to be used for adoption initiatives to promote/increase adoptions. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-067-D-00)

Dr. Rodrigo Silva said the \$94,000 donation from the Maddie's Fund to Animal Care and Control for the large number of adoptions: more than had been achieved in previous years. The department has consistently gone beyond the goals set by Maddie's fund each year and they continue to be the main adoption agency in Maricopa County. He lauded the work of their rescue partners, the Humane Society and Maddie's Fund for all the help they have provided in helping AC&C achieve their goals. He thanked the Friends of Animal Care and Control for their many donations and help as a group and individually to foster the unmandated activities at the center. Through them the free spay and neuter services and rabies vaccinations are provided in at-risk areas of the County and are a boon to public safety in lowering the number of unvaccinated animals.

Supervisor Brock congratulated Dr. Silva on his contributions to the success of Maricopa County's Animal Care and Control. He asked if both the Phoenix and Mesa shelters are processing animals for adoption.

Dr. Silva said they are and both have been extremely busy and there are many more animals waiting for a good home.

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

29. DONATION FROM FRIENDS OF ANIMAL CARE AND CONTROL

Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ to fund the Maricopa County Spay/Neuter Voucher Program in the amount of \$63,645 and the Foster Program in the amount of \$3,888.55. The total donation received was in the amount of \$67,533.55 which supports one position in the Foster Program. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-070-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

30. DONATIONS FROM JOY HEBERT AND GARY JOSEPHSON

Accept the monetary donations from Joy Hebert of Phoenix, AZ in the amount of \$250; and, Gary Josephson of Phoenix, AZ in the amount of \$1,000 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds

are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-066-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

31. DONATIONS FROM CARRIE BORGEN AND JULIA WESLEY

Accept the monetary donations from Carrie Borgen of Scottsdale, AZ in the amount of \$300; and, Julia Wesley of Scottsdale, AZ in the amount of \$500 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-071-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

32. AGREEMENT WITH SMALL PAWS RESCUE FOR NEW HOPE PROGRAM

Approve an Agreement between Small Paws Rescue, a 501 (C) 3 non-profit corporation, 3316 S. 72nd W. Avenue, Tulsa, OK 74107, with local affiliates at 7314 W. Darrel Road, Laveen, AZ 85339, and Maricopa County to allow Small Paws Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 76 new hope rescues over the term of the agreement, for a total of \$3,040. The term of this Agreement is from April 23, 2009 through June 30, 2012. (C-79-09-068-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

33. AGREEMENT WITH STARTING OVER ANIMAL RESCUE FOR NEW HOPE PROGRAM

Approve an Agreement between Starting Over Animal Rescue, S.O.A.R., a 501 (C) 3 non-profit corporation, P. O. Box 26382, Phoenix AZ 85068, and Maricopa County to allow Starting Over Animal Rescue, S.O.A.R. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 410 new hope rescues over the term of the agreement, for a total of \$16,400. The term of this Agreement is from February 11, 2009 through June 30, 2012. (C-79-09-069-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Human Services

34. ARIZONA PUBLIC SERVICE AGREEMENT FOR ENERGY WISE LOW INCOME WEATHERIZATION PROGRAM

Approve Amendment No.1 to (C-22-08-059-3-00), an agreement between Arizona Public Service (Contract No. 700517864) and Maricopa County administered by its Human Services Department in the not-to-exceed amount of \$227,000. The purpose of this amendment is to extend the term of the original contract effective January 1, 2008 to December 31, 2009. The Department of Human Services indirect rate for FY 2008-09 is 15.2%. No indirect is recoverable. The Contract allows for an administrative program delivery fee of 10% of the billing assistance amount of \$54,022 which is \$5,402. The weatherization portion of the contract is sub recipient costs in the amount of \$167,576 and is not subject to indirect. (C-22-08-059-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

35. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) DE081290001 between Arizona Department of Economic Security and Maricopa County through the Human Services Department in the not-to-exceed amount of \$7,461,059. This amendment is funded by a grant from Arizona Department of Economic Security,. The purpose of this amendment is to Add Set-a-Side Incentive funds in the amount of \$28,968. This amendment is effective from April 1, 2008 to June 30, 2011. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. The Human Services Department Indirect Rate for FY 2008-09 is 15.2% and is fully recoverable. The indirect costs are calculated at \$3,822.00. (C-22-09-008-3-05)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

36. ADMINISTRATIVE CORRECTION TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve an Administrative Correction to action taken on October 15, 2008 (C-22-09-008-3-04) that approved Amendment No. 5 to Intergovernmental Agreement DE070298001 with Arizona Department of Economic Security (DES) to rescind local Workforce Investment Act (WIA) funds for FY2008-09. This correction will: Re-locate the records for the action taken on October 15, 2008 under C-22-09-008-3-04 to C-22-08-041-3; Establish C-22-08-041-3 as the official file number for IGA DE070298001 and all subsequent amendments. (C-22-08-041-3-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

37. IGA WITH CITY OF GLENDALE (CDBG) SPECIAL TRANSPORTATION SERVICES

Approve an Intergovernmental Agreement (IGA) between The City of Glendale and Maricopa County Human Services Department (HSD), for the provision of Special Transportation Services (STS). This Agreement is effective from July 1, 2008 until June 30, 2009. This purpose of this Agreement is for the provision of van transportation to City of Glendale eligible residents for an amount not-to-exceed \$29,075. The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. This approval includes the authorization to execute the Certifications as listed in Exhibit C per Section 14 CERTIFICATIONS page 8. The HSD FY

2008-09 indirect rate is 15.2%. Indirect expenses are fully recoverable and are estimated at \$3,836. Appropriation adjustment is not requested at this time as these funds are included in the 2008-09 Adopted Budget. (C-22-09-112-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

38. IGA WITH THE CITY OF PHOENIX FOR SPECIAL TRANSPORTATION SERVICES (JARC)

Approve an Intergovernmental Agreement (IGA) between The City of Phoenix and Maricopa County administered by its Human Services Department (HSD), for the provision of special transportation services. The purpose of this Agreement is for the provision of grant reimbursement for purchases of items/services shown in the "Project Description" box on Exhibit "A" (2007 FEDERAL GRANT PASS THRU AGREEMENT) for an amount not-to-exceed \$1,363,603. The term for this agreement is July 1, 2008 to December 31, 2010. HSD's FY 2008-09 indirect rate is 15.2%. Capital Expenses of \$424,476 have been excluded for the calculation of indirect. Indirect expenses are recoverable on the operational costs which are estimated at \$939,127 for FY 2008-09 and therefore the indirect expenses are estimated at \$123,913. Appropriation adjustment is not requested at this time as these funds are included in the FY 2008-09 Adopted Budget (C-22-09-120-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

39. ADMINISTRATIVE CORRECTION TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve an Administrative Correction to action taken on October 1, 2008 (C-22-09-008-3-03) that approved Amendment No. 3 to Intergovernmental Agreement E5706007 Amendment No. 9 with Arizona Department of Economic Security (DES) to increase Set-A-Side funding to \$1,000,000. This correction will: Relocate the records for the action taken on October 1, 2008 under C-22-09-008-3-03 to C-22-09-125-3; correct the Maricopa County Contract Number to C-22-05-042-2; correct the Amendment # from # 3 to be Amendment # 9 to DES E5706007; establish C-22-05-042-2 as the official file number for IGA E5706007 and all subsequent amendments (C-22-09-125-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

40. ADMINISTRATIVE CORRECTION TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve an Administrative Correction to action taken on April 9, 2008 (C-22-09-018-3-ZZ) which authorized execution of Amendment #8 to Intergovernmental Agreement with Arizona Department of Economic Security (ADES IGA E6306005) and which also assigned a new contract number (C-22-09-020-3-00) to this IGA. This correction will re-establish the file number for IGA E6306005 to C-22-06-016-3-08. (C-22-06-016-3-08)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

41. AMENDMENT TO IGA WITH STATE OF ARIZONA, DEPARTMENT OF ECONOMIC SECURITY

Approve Amendment No. 9 to Intergovernmental Agreement between Arizona Department of Economic Security (ADES IGA E6306005) and Maricopa County administered by its Human Services Department (C-22-06-016-3-09), in the cumulative reimbursement ceiling in the not-to-exceed amount of \$17,267,278 for the contract period July 1, 2005 through June 30, 2009. Also, approve all revisions to the Scope of Work. The Department of Human Services indirect rate for FY 2008-09 is 15.2%. The contract allows for indirect costs at a rate of 15.2%. Of the \$3,011,874 increase, subrecipient costs in the amount of \$5,553 and direct pay costs of \$2,814,892 are not subject to indirect charges. Therefore, indirect costs are fully recoverable and are estimated at \$25,258.

This amendment includes the following Funding Correction for Amendment #8: Decrease the cumulative reimbursement ceiling by \$ 2,140,256. This amount was "Carry Forward" funding and should not have been added to the cumulative reimbursement ceiling. Therefore, the revised cumulative reimbursement ceiling for this period is \$14,406,838. Increase the contract reimbursement ceiling from \$3,104,562 to \$ 6,116,436 for the period of July 1, 2008 to June 30, 2009. The reimbursement ceiling for the service Case Management is increased from \$2,297,139 to \$5,157,579. The reimbursement ceiling for the service Community Services is increased from \$807,423 to \$958,857 which includes \$151,434 (Carry Forward) funding. The carry forward funding is not added to the cumulative reimbursement ceiling below. Therefore, the cumulative reimbursement ceiling for the contract period July 1, 2005 through June 30, 2009 is revised to \$17,267,278. (C-22-06-016-3-09)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

42. ADMINISTRATIVE CORRECTION TO CONTRACT WITH VALLEY OF THE SUN YMCA

Approve an Administrative Correction to action taken on August 20, 2008 (C-22-08-097-1-02) that approved Amendment No. 2 to the contract with Valley of the Sun YMCA for administering the Las Artes de Maricopa County program, a youth program that provides services to ages 16 to 21 that have dropped out of school. The Amendment No. 2 agenda item incorrectly stated the dollar amount of \$450,000 rather than \$480,000. Amendment No. 2 included an additional provision for each follow-up on participants where performance is met, of not to exceed \$30,000. This \$30,000 was not included in the approved action on August 20, 2008. This correction changes the total contract amount from \$450,000 to \$480,000. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-097-1-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CHIEF FINANCIAL OFFICER

Finance

43. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the

issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

44. TRANSFER OF EXPENDITURE AUTHORITY FOR CHANDLER COUNTY ISLANDS INTERIM EMERGENCY SERVICES

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$14,784 from FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) to an existing line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring (0001) entitled "Chandler Interim Emergency Services." This action authorizes the transfer of contingency funds to pay the City of Chandler in accordance with the Intergovernmental Agreement (IGA) between Maricopa County and the City of Chandler for the Provision of Interim Emergency Services within County Islands (C-20-08-023-2-00) in the amount of \$14,784.

Per the Intergovernmental Agreement (IGA) between Maricopa County and the City of Chandler for the Provision of Interim Emergency Services within County Islands approved by the Board of Supervisors on August 22, 2007 and amended on December 17, 2008 (C-20-08-023-2-00), the City shall respond to calls for emergency services to the Chandler Islands during the term of the IGA. The City shall invoice the last known owner of record of the property within the Chandler Islands at which the City provided emergency services. If the City does not collect from the property owners receiving such emergency services within sixty (60) days of invoicing for response costs, the City shall assign to the County any right it has to collect from the property owner for the emergency response services provided and invoice the County for these costs. The County shall pay the City the amount invoiced within sixty (60) days of invoice. The Department of Finance Real Estate Division has confirmed all property owners are located within the Chandler Islands. The Department of Finance Collections Division will undertake collection proceedings with each of the property owners. If these efforts are unsuccessful, further collection rights will be pursued based on the advice of County Counsel. (C-18-09-037-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

45. POWER OF ATTORNEY; DECLARATION OF REPRESENTATION; REQUEST FOR WAIVER AND CONSENT TO CONFLICT OF INTEREST REGARDING MARICOPA COUNTY – SUN HEALTH CORPORATION, SERIES 2005

Approve and authorize the Chairman to execute the Power of Attorney and Declaration of Representative (IRS Form 2848) and the Request for Waiver and Consent to Conflict of Interest in connection with the Internal Revenue Service (IRS) examination of the Maricopa County - Sun Health Corporation (Sun Health), \$100 million Hospital Revenue Bonds, Series 2005. Maricopa County (County) has received notice that the IRS selected for examination the Sun Health Corporation, Series 2005, bond issuance. The County has historically been the conduit for issuing bonds on behalf of Sun Health. Although the bonds are issued by the County, they do not represent a legal obligation to the County. All other healthcare facilities are financed through the Industrial Development Authority (IDA).

The Department of Finance is recommending that Squire, Sanders & Dempsey L.L.P. represent the County as they are bond counsel for Sun Health (Series 2005 bond issuance)

and currently represent the County as bond counsel. Therefore, the Department of Finance believes that Squire, Sanders & Dempsey L.L.P. can best provide legal representation in this matter. Subsequent to the Sun Health bond issuance, Banner Health acquired substantially all of the assets of Sun Health. In connection with that transaction, all bonds that had been issued by the County for Sun Health were either paid or defeased and payment provided for. As a result, all revenue bonds of the County associated with Sun Health have been constructively paid in full. The County has no other conduit debt. (C-18-09-041-4-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Materials Management

46. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. 04216-C, REFRIGERATION EQUIPMENT MAINTENANCE AND REPAIR

RECOMMENDATION FOR RENEWAL: 04216-C, Refrigeration Equipment Maintenance And Repair (\$540,000 estimate/two years until May 31, 2011). This contract will be renewed for an additional two years. Awardee: Andrew's Refrigeration (C-73-09-050-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

b. 08107-RFP, JOB PLACEMENT, SUPPORTIVE SERVICES AND ONGOING FOLLOW-UP FOR EX-OFFENDERS

RECOMMENDATION FOR AWARD: 08107-RFP, Job Placement, Supportive Services And Ongoing Follow-Up For Ex-Offenders (\$500,000 estimate/one year with four one-year renewal options until February 28, 2010). Contract for Job Placement, Supportive Services And Ongoing Follow-Up For Ex-Offenders. This action is taken to award a contract to Arizona Women's Education and Employment for a one year term with four one-year options to renew. Total estimated amount is \$500,000 with the possibility of outside funding. Awardee: Arizona Women's Education and Employment Inc. (AWEE) (C-73-09-051-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

c. 08098-C BULK FLOUR

Approve the award and execution of Contract #08098-C for the purchase of Bulk Flour for the Maricopa County Sheriff's Office Food Factory for an estimated amount of \$2,000,000. This is a multiple award contract which was solicited on-line utilizing the "Reverse Auction" solicitation method. New quotations will be solicited every six months from awarded vendors to establish pricing for this volatile commodity item. Awardee(s): Bakemark USA, Consolidated Commodities, Inc., Food Source International, Shamrock Foods Co.

Value of Award: \$2,000,000 Contract Period: upon execution to cover period ending February 28, 2012 with 3 - one year renewal options. Funding Source: 255-507-5135-0801-12-0000 (C-73-09-052-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

d. 08067-ITN, DARK FIBER SERVICES

Approve the award and execution of Contract #08067-ITN for Dark Fiber Services for the Office of Enterprise Technology with AGL Networks, LLC in the amount of \$502,500.

Value of Award: \$502,500.00 Contract period: upon execution to cover period ending January 31, 2014 with five one-year renewal options. Funding Source: General Fund(100) Non-departmental(470) – 4714-DTNW-0801-00-NTWK-0000 (C-73-09-049-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Parks and Recreation

47. CERTIFICATE OF INCLUSION WITH ARIZONA GAME & FISH AND US FISH AND WILDLIFE UNDER AUTHORITY OF SAFE HARBOR AGREEMENT

Authorize the Director of the Parks & Recreation to sign the Certificate of Inclusion (COI) between Arizona Game & Fish Department (AGFD) with the concurrence of the U.S. Fish and Wildlife Service (USFWS) and Maricopa County Parks and Recreation Department as Cooperators under the authority of the Safe Harbor Agreement entered into on March 12, 2008 between AGFD and the USFWS in order to carry out conservation efforts for the benefit of topminnow and pupfish at Spur Cross Conservation Area. There is no financial impact.

On November 6, 2008, (C-30-09-011-3-00) the Board granted authority to the Director of the Parks & Recreation Department to enter into multiple Certificates of Inclusion (COI) with Arizona Game & Fish so long as they conformed to the template provided in Appendix 2 of the Safe Harbor Agreement. This particular COI has additional stipulations due to the proximity of the Spur Cross pond to the creek. Under the original agenda, any material changes were to return to the Board for approval. (C-30-09-011-3-01)

Supervisor Stapley said this Certificate with the Game and Fish is important to preserve Cave Creek as it flows through the Spur Cross Conservation Area.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Equipment Services

48. RENEWAL OF VEHICLE EXEMPTIONS FROM MARKINGS

Pursuant to A.R.S. §38-538.03, approve the continuation of an exemption from county markings for 441 vehicles. Sheriffs Office, Adult Probation, Juvenile, County Attorney, Legal Defender, Public Defender, RICO and Juvenile Public Defender has submitted a statement to the Clerk's Office affirming that the vehicles included in the confidential list on file in the Clerk's Office continue to be used for the purposes required under A.R.S. §38-538.03, thus justifying the continuation of an exemption from markings.

Departments utilizing vehicles included on the list on file in the Clerk's Office have submitted a statement affirming that their listed vehicles continue to be used for the purposes required under A.R.S. §38-538.03 thus justifying exemption from markings. This is the annual renewal of exemptions that were previously approved by the Board. The exemption from markings is requested due to the vehicles being used for felony investigations, activities of a confidential or sensitive nature and social service work. (C-74-09-003-V-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Planning and Development

49. RESOLUTION OF ADOPTION FOR DEVELOPMENT AGREEMENT WITH DESERT WHISPER INVESTMENTS, LLC

Approve by Resolution of Adoption the Development Agreement with DB-Desert Whisper Investments, LLC and Maricopa County as required by stipulation "d" of the Development Master Plan case (DMP 2006003) for Desert Whisper previously approved on December 20, 2006.

As a condition of the DMP approval, the applicant is required to enter into a development agreement with Maricopa County to address potential short - and long-term fiscal impacts to Maricopa County. This agreement must be approved by the Board of Supervisors prior to approval of any zone change associated with the DMP. The term of this agreement shall be ten years from the Board of Supervisors approval. This development agreement is to be recorded as required pursuant to ARS 11-1101. (Supervisory District 5) (C-44-09-079-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

50. SALE AND OPERATING TRANSFER OF VEHICLE

Approve the sale and operating transfer of one vehicle from the Planning and Development (440) Fees Fund (226) to the Office of the Legal Advocate (550) General Fund (100). Pursuant to A.R.S. 42-17106(B), approve an FY 2008-09 fund transfer of \$3,305 from the Office of Legal Advocate (550) General Fund (100) to the Planning and Development (440) Fees Fund (226), requiring an increase to the FY 2008-09 Planning and Development (440) Fees Fund (226) Operating (0000) revenue appropriation of \$3,305, an increase to the FY 2008-09 Non Departmental (470) Non-Departmental Grant Fund (249) Operating (0000) Potential Fee Increases line expenditure appropriation of \$3,305, and offsetting expenditure and revenue adjustments in Eliminations (980) Eliminations Fund (900) Operating (0000).

As a result of recent staffing reductions in the Planning and Development Department, a number of vehicles were identified as surplus. The Office of the Legal Advocate will acquire

one vehicle as follows: Equipment Number: 72007; Description: 2000 Chevy S10 Pick-up Truck; Sales Price: \$3,305. Six other vehicles were sold to various departments that include Solid Waste, Parks, and Transportation. (C-44-09-078-V-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

51. COURT TOWER - GMP #3 WITH GILBANE CONSTRUCTION COMPANY

Approve and authorize the execution of Construction Manager at Risk (CMR) GMP #3, contract Nos. FMD-09-020 (GMP #3A - mass excavation), FMD-09-021 (GMP #3B - steel fabrication), FMD-09-022 (GMP #3C - general conditions) and FMD-09-023 (GMP #3D - general requirements), with Gilbane Building Company of Phoenix, Arizona, in an amount not-to-exceed \$31,500,000 for the Downtown Court Tower Project (Project No. 3325-07-380) located in Phoenix, Arizona. This project is located in District 5.

GMP #3 - \$31,500,000 (NTE). The execution of the contract for GMP #3 will allow Gilbane Construction Company to continue to meet critical schedule commitments for the construction of the project. This GMP is within the approved project budget. This GMP package will be broken as follows: (1) GMP 3A (FMD-09-020) - NTE \$2,200,000 - mass excavation (2) GMP 3B (FMD-09-021) - NTE \$2,800,000 - steel fabrication, includes costs associated with the fabrication of all steel included in GMP 2C (3) GMP 3C (FMD-09-022) - NTE \$22,500,000 - general conditions for the balance of the project (4) GMP 3D (FMD-09-023) - NTE \$4,000,000 - general requirements for the balance of the project (C-70-09-023-5-00)

Supervisor Wilcox and Chairman Wilson commented on the importance of moving this forward.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Works

52. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-294-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

53. AMENDMENT TO IGA WITH THE CITY OF GOODYEAR FOR IMPROVEMENTS TO MC 85 FROM COTTON LANE TO ESTRELLA PARKWAY

Approve Amendment No. 1 to the Intergovernmental Agreement (First Amendment) between Maricopa County (County), through the Maricopa Department of Transportation (MCDOT), and the City of Goodyear (City) for roadway improvements to MC 85 from Cotton

Lane to Estrella Parkway (Project). This First Amendment shall become effective as of the date it is approved by the Board of Supervisors and shall be filed with the Maricopa County Recorder. This First Amendment modifies the construction schedule and the terms for cost sharing as follows: "Upon Board of Supervisors approval of this First Amendment the County shall invoice the City for the City's share of Project costs incurred by the County through June 30, 2008. The County shall invoice the City for the balance of the City's share of the total Project cost at the time a construction contract is awarded, but not before ADOT completes the I-10 widening project within the City."

The Parties previously entered into an Intergovernmental Agreement (C-64-07-106-2-00), (IGA) approved by the Board on November 15, 2006 for improvements to a section of MC 85 from Cotton Lane to Estrella Parkway. The Project consists of: (1) reconstructing the section of MC 85 between Cotton Lane and Estrella Parkway from a two lane roadway to six lanes with a raised median and left turn lanes at major crossroad intersections; (2) the relocation of irrigation facilities; (3) the relocation of utilities; and (4) improvements to two railroad crossings. Pursuant to the IGA, the County has undertaken certain work related to the Project, including the acquisition of right-of-way and relocation of certain existing utilities. The Parties desire to defer the construction of the roadway improvements until after the Arizona Department of Transportation (ADOT) has completed the I-10 Widening Project within the City, which ADOT has scheduled to be completed by the end of calendar year 2010. The County will continue with the utility relocation and railroad crossing improvements as scheduled. The Parties desire to amend the IGA to reflect the deferral of the roadway improvements portion of the Project and to modify the timing of the City's financial obligations under the IGA. Supervisory District No. 4. (C-64-07-106-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

54. New Traffic Controls

Approve the following new traffic controls on unincorporated right-of-way at the following locations:

- a. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Forepaugh Peak Road 100 Feet North of US 60 to Cattle Drive Road. A 35 MPH SPEED LIMIT ZONE on Forepaugh Peak Road from US 60 to Cattle Drive Road. Supervisory District No. 4. (C-91-09-104-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

- b. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: 453rd Avenue 100 Feet North of US 60 to Duff Road. Supervisory District No. 4. (C-91-09-107-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

55. Traffic Control Changes

Approve the following change in traffic controls on unincorporated right-of-way at the following locations:

- a. A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Germann Road from Sossaman Road to Ellsworth Road (This rescinds the 50 MPH speed

limit zone dated June 3, 1985). Supervisory District No. 1. (C-91-09-105-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

- b. A TWO-WAY STOP on Ocupado Drive at 223rd Avenue for Eastbound and Westbound traffic. Supervisory District No. 4. (C-91-09-106-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

- c. A Four Way Stop (from a Two-Way north/south Stop) at Calle Lejos and 97th Avenue. Supervisory District No. 4. (C-91-09-108-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

- d. A Four Way Stop (from a Two-Way north/south Stop) at Van Buren Street and 355th Avenue. (This partially rescinds the Through Street Resolution on Van Buren Street dated January 7, 1985). Supervisory District No. 4. (C-91-09-109-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS

Clerk of the Board

56. REAPPOINTMENTS TO THE RYAN WHITE TITLE I PLANNING COUNCIL

Approve the reappointment of Supervisor Mary Rose Wilcox to the Ryan White Title I Planning Council as the Board's designee as nominated by Chairman Wilson. Also approve the reappointment of Terri Leija as the alternate representative. The term of the appointments will be effective as of March 1, 2009 through February 28, 2010. (C-06-09-273-9-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

57. REAPPOINTMENT TO THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY

Approve the reappointment of Supervisor Mary Rose Wilcox to the Regional Public Transportation Authority (RPTA), Board of Directors. The term of the appointment will be effective as of the date of Board approval through December 31, 2009. (C-06-09-274-9-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

58. REAPPOINTMENTS TO THE GREATER PHOENIX ECONOMIC COUNCIL

Approve the reappointment of Supervisor Fulton Brock, Supervisor Andrew Kunasek, Rick West and Don Kile to the Greater Phoenix Economic Council Board of Directors. All appointed directors shall hold office for a term of one year, commencing on the date of the GPEC annual meeting or until their respective successors are appointed and qualified. (C-06-09-275-9-00)

Supervisor Brock commented that economic development is more important than usual now and thanked his fellow GPEC board members for agreeing to their reappointment.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

59. REAPPOINTMENTS TO THE STATE BOARD OF EQUALIZATION

Approve the reappointment of Henry C. Deihl and Brad Tebow to the State Board of Equalization as nominated by Supervisorial District 2. The term of the appointments will be effective as of the date of Board approval through December 31, 2012. (C-06-09-255-9-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

60. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the February 25, 2009 meeting. (List on file with the Clerk's office) (C-44-09-090-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Works

- 61.** Set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, March 18, 2009.

a. ROAD FILE NO. 5806

Adopt a resolution setting hearing on Road File No. 5806 to Open and Declare the following described alignments into the County Transportation System.

All streets consistent with the rights-of-way, as depicted in Rio Mountain Estates Unit I, a subdivision as shown in Book 663 of Maps, Page 19, M.C.R.

General Vicinity: Rio Verde Drive and 152nd Street. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M).Supervisor District No. 2. (C-91-09-103-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

b. ROAD FILE NO. 5805

Adopt resolution setting hearing on Road File No. 5805 to Open and Declare the following described alignments into the County Transportation System.

All streets consistent with the rights-of-way, as depicted in Fitzpatrick Ranch, Unit III, a subdivision as shown in Book 910 of Maps, Page 08, M.C.R.

General Vicinity: Deer Valley Drive and Veterans Drive. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4.(C-91-09-101-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Health

62. FEE INCREASE TO ARIZONA VITAL RECORDS FEE SCHEDULE

Pursuant to A.R.S. §11-251.08, set a public hearing for Wednesday, March 18, 2009 to consider approving the Department of Public Health to increase the existing fee schedule for Maricopa County's Department of Public Health's Vital Records product/fee list. The fee increases will affect the fees charged for Arizona vital records. The proposed fee increases are attributed to an anticipated fee increase to be adopted by Arizona Department of Health Services (ADHS). The proposed fee schedule will be attributable to and defray or cover the expense of the product or service for which the fee will be assessed. No fee will exceed the actual cost of the product or service provided. Use of the fee schedule will be based on the following Board of Health recommendation. According to A.R.S. 36-341 (A), a Local Registrar (County Health Officer) may establish their own fees to be charged for services provided by Vital Records. The proposed Public Health Vital Records Product/fee increases are as follows:

RECORD	CURRENT FEE	PROPOSED FEE
Certified Copy of a Certificate	\$3.00	\$5.00
Certified Birth Certificate	\$9.00	\$14.00
Certified Death Certificate	\$9.00	\$14.00
Certified Fetal Death Certificate	\$9.00	\$14.00
Certified Stillbirth Certificate	\$9.00	\$14.00
Registration & Issuance of Birth Certificate	\$9.00	\$14.00
Delayed Death Certificate	\$22.00	\$24.00
Birth Certificate Amendment	\$22.00	\$24.00

An (*) is used to denote those fees that have a surcharge associated with them and the associated fee excludes that \$1.00 surcharge.

These fees were heard by the Board of Health on Monday, January 26, 2009. (C-86-09-048-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CONSENT AGENDA

Clerk of the Board

63. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-09-286-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

64. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-287-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

65. MARKET RANGES

Pursuant to A.R.S §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-284-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

66. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held August 18, 2008; September 8, 2008; October 14, 2008; November 18, 2008; and January 13, 2009. (C-06-09-277-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

67. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-285-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

68. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-288-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

69. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated February 11, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-291-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

70. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-09-290-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

71. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-289-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS ADDENDUM

Clerk of the Board

A-1. RESCIND PREVIOUS BOARD ACTION AND ACKNOWLEDGE ATTORNEYS APPOINTED TO REPRESENT THE BOARD IN CV2008-033194 (THOMAS AND ARPAIO VS. MARICOPA COUNTY BOARD OF SUPERVISORS)

Rescind the action taken on January 21, 2009 (C-06-09-257-M-00) relating to this same topic, and approve a motion to acknowledge that the attorneys appointed by the Board of Supervisors to represent the Board in CV2008-033194 (Thomas and Arpaio vs. Maricopa County Board of Supervisors), Shughart, Thomson & Kilroy, PC (now Polsinelli Shughart, PC) and Mr. Thomas Irvine (collectively "PS") as well as Maricopa County employee Richard Romley ("Romley"), were sued in CV2008-033193 (Thomas v. PS, Irvine and Romley); that the Board has been fully informed as to these matters; has been advised to seek independent legal counsel on the question of whether the suit against PS and Romley causes a conflict of interest in PS continuing to represent the Board and Romley continuing to advise the Board; with full disclosure of the risks associated with granting a waiver of the conflict, including the possibility that PS might have to withdraw from representing, and/or Romley might have to no longer advise the Board in the future; as such does not see any conflict with PS and/or Romley continuing its representation and/or consultation of the Board in CV2008-033194, and if such conflict does exist, affirmatively gives its informed consent to waive such conflict. This matter was discussed in Executive Session on February 9, 2009. (C-06-09-257-M-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Management and Budget

A-2. AMEND BUDGET AND ENCUMBER FUNDS FOR FY 2008-09 MANDATED STATE CONTRIBUTIONS

Approve the following:

1. Pursuant to Laws 2008 Chapter 288, Section 10, Subsection A and the "FY 2008-09 State Contribution Funding Guidelines" approved by the Board of Supervisors on November 18, 2008 (C-49-09-037-2-00), increase appropriated expenditures by a total of \$24,168,400 in the amounts listed in Exhibit A for each department, fund and function for the purpose of fulfilling the mandated contributions to the State of Arizona. Pursuant to Laws 2008 Chapter 288, Section 10, Subsection C, the mandated State contribution appropriated by this agenda item is excluded from the County constitutional expenditure limitation, and this budget adjustment therefore does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors per A.R.S. §42-17105.

2. Direct the Department of Finance to encumber amounts to be paid to the State Treasurer for the mandated State contribution in the amount of \$24,168,400 per Laws 2008 Chapter 288, Section 10, Subsection A. The amount to be encumbered is as listed in Exhibit A. Actual payment will be made upon further direction from the Board of Supervisors. A future agenda item will be brought forth transferring the funds to the State.

The purpose of this agenda item is to amend the budget and encumber funds for future payment to the State of Arizona pursuant to Laws 2008 Chapter 288, Section 10. Subsection B of this law states as follows: "Notwithstanding any other law, a county may meet any statutory funding requirements of this section from any source of county revenue designated by the county, including funds of any county wide special taxing district in which the board of supervisors serves as the board of directors." On November 17, 2008 (C-49-09-037-2-00) the Board of Supervisors approved the "FY 2008-09 State Contribution Funding Guidelines." The amounts to be budgeted and encumbered for payment of the mandated State contributions by this action follow the guidelines approved by the Board of Supervisors. This item was continued from the December 17, 2008 meeting. This matter was discussed in Executive Session on February 9, 2009. (C-49-09-037-2-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Risk Management

A-3. AMENDMENT OF RESTATED DECLARATION OF SELF INSURED TRUST

Approve the "Revised Restated Declaration of Trust for Maricopa County, Arizona Self-Insured Trust Fund" ("Revised Restated Trust"). At a meeting of the Board of Supervisors held December 23, 2008 (C-20-09-042-3-00), the Board approved a motion "to amend the "Restated Declaration of Trust for Maricopa County, Arizona Self-Insured Trust Fund," dated May 18, 2006, so that the Restated Declaration of Trust conforms to the Board's action taken regarding Item No. 1 of this Agenda (C-20-09-040-3-00). " The referenced "Item No. 1" was an action that "took back [the Board's] authority to direct and control the prosecution defense and compromise of all civil legal action to which the County is a party or has an interest..." The motion also directed that a formal amendment be prepared for presentation to the Trust Administrator and other appropriate persons for consultation and that the trust document as amended be presented to the Board of Supervisors. (C-20-09-042-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Planning and Development

A-4. MARICOPA COUNTY V. ARIZONA MOTORSPORTS PARK

Authorize Outside Counsel to file a lawsuit against Arizona Motorsports Park to enjoin the operation of the race track until such time as all stipulations of the Special Use Permit (SUP) have been satisfied. This matter was discussed in Executive Session on February 9, 2009. (C-44-09-093-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors of various districts.

IMPROVEMENT DISTRICT AGENDA

The Board of Directors of the Improvement Districts listed below convened in Formal Session at 9:00 AM on Wednesday, February 11, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

I-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Queen Creek Domestic Water Improvement District and 7th Street North Improvement District Board of Director's meetings held November 18, 2008. (C-06-09-282-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, February 11, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-293-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-2. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held November 18, 2008. (C-06-09-279-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, February 11, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

L-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held November 18, 2008. (C-06-09-280-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

L-2. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Library District for January 2009. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-292-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

STADIUM DISTRICT AGENDA

The Board of Directors of the Stadium District convened in Formal Session at 9:00 AM on Wednesday, February 11, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

S-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held November 18, 2008. (C-06-09-281-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Official Record Keeper

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

72. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart said she was told it is the code enforcer who makes the final decision on compliance and until the enforcer is fully satisfied -- and she added she didn't think anything they could do would ever satisfy him -- they would not be compliant.

She distributed photos the code enforcer had introduced at her enforcement hearing allegedly showing her "junk yard" and asked Board Members to point out any junk they saw. She said they did everything the code enforcer asked them to do but nothing they did was acceptable. She said she has been presented as non-compliant and uncooperative as well as being denied compliance. She asked the Board if they could call this justice.

73. **SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock thanked Jerry Brooks for his service on the Planning and Zoning Commission. Mr. Brooks is retiring because of health problems. Mr. Brooks has served as the Mayor of Chandler and has donated much time to public works.

Supervisor Wilcox showed a video she took when she attended the presidential inauguration in Washington D.C. on January 20, 2009.

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

PLANNING AND DEVELOPMENT ITEMS

Sandi Wilson left the dais and Bruce White left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

CODE ENFORCEMENT REVIEW

PZ-1. KONOPKA - V200801031

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code

Violation Case No. V200801031 - Konopka (Supervisor District 3) (C-44-09-091-M-00)

Motion to remand this case back to the Hearing Officer for a rehearing by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

PLANNING AND ZONING AGENDA

CONSENT AGENDA

1. SPECIAL USE PERMIT - WAPA JOY RANCH

Case
Number: Z2008036
Supervisory
District: 3
Applicant: Reliant Land Services on behalf of AT&T for Tony A. Navigato
Location: Approx. 986' east of 16th Street and south of Joy Ranch Road (in the Phoenix area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district and in Wireless Communication Facility Use District 1 (approx. 4,050 sq. ft.) – WAPA Joy Ranch
Commission
Action: Approve by a vote of 7-0 subject to staff recommended stipulations "a" through "r". (C-44-09-080-7-00)

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

2. SPECIAL USE PERMIT – CHURCH OF THE PALMS

Case
Number: Z2008056
Supervisory
District: 4
Applicant: Reliant Land Services on behalf of AT&T for Church of Palms United Church of Christ
Location: Southeast corner of Boswell Blvd. & 103rd Ave. (in Sun City)
Request: Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district with a Senior Citizen Overlay and in Wireless Communication Facility Use District 1 (approx. 688 sq. ft.)
Commission
Action: Approve by a vote of 7-0 subject to staff recommended stipulations "a" through "r". (C-44-09-081-7-00)

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

3. SPECIAL USE PERMIT - DESERT HILLS BAPTIST PHO USERY

Case Number: Z2008072
Supervisory
District: 2

Applicant: Verizon Wireless for Desert Hills Baptist Church
Location: North of McDowell Road, approx. 308' west of Hawes Road (in the Mesa area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility in the R1-35 zoning district and in Wireless Communication Facility Use District 1 (approx. 1,544 sq. ft.)
Commission Action: Approve by a vote of 7-0 subject to staff recommended stipulations "a" through "q" (C-44-09-082-7-00).

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

4. SPECIAL USE PERMIT - SUN CITIES STABLE RECREATION FACILITY

Case Number: Z2008086
Supervisory District: 4
Applicant: Sun City Stable Recreational Facility
Location: Approx. ½ mi. south of Bell Road and ¼ mi. east of the 115th Avenue alignment (in the Surprise area)
Request: Special Use Permit (SUP) for a public riding and boarding stable in the Rural-43 zoning district (approx. 3.3 ac.)
Commission Action: Approve by a vote of 7-0 subject to staff recommended stipulations "a" through "r". (C-44-09-083-7-00)

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

5. SPECIAL USE PERMIT - PHO BURNT MOUNTAIN

Case Number: Z2008113
Supervisory District: 5
Applicant: Verizon Wireless for US Department of Interior, Bureau of Land Management (BLM)
Location: Approx. 8 miles northeast of Hwy. I-10 on the top of Burnt Mountain (in the Tonopah area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district and in Wireless Communication Facility Use District 2 (approx. 0.03 ac.)
Commission Action: Approve by a vote of 7-0 subject to staff recommended stipulations "a" through "r" (C-44-09-084-7-00)

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

REGULAR AGENDA

6. COMPREHENSIVE PLAN AMENDMENT - HASSAYAMPA 78

Case

Number: CPA200704
Supervisory District: 4
Applicant: WRG Design, Inc. for Voyager Hassayampa 78 Investors, LLC
Location: Northwest corner of 339th Ave. & Thomas Rd. (in the Tonopah area)
Request: Comprehensive Plan Amendment to change the land use category from Rural (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.), Dedicated Non-Developable Open Space, and Neighborhood Retail Center for Hassayampa 78 (approx. 80.2 ac.)
Commission Action: Approve, by a vote of 6-0, subject to staff recommended stipulations "a" – "i".

The subject case was originally scheduled for the Commission hearing of January 15, 2009; however, due to an advertising error the case was continued to January 29, 2009 and was double-advertised for the February 11, 2009 Board of Supervisors hearing. (C-44-09-085-7-00)

Darren Gerard said that the two Hassayampa items 6 and 7 are related and would be discussed together. The land-use and zoning will be changed with these items. There is no known opposition and the recommendation is for approval with stipulations "a" through "i." Approval for the CPA amendment is by resolution.

Mark Voight, applicant, came forward to express gratitude to the staff for their work on the project and affirmed his agreement with the stipulations for both items.

Motion to concur with Planning and Zoning Commission for approval by resolution,

Resolution Amending the Eye to the Future 2020
Maricopa County Comprehensive Plan
Case Number: CPA 200704
Hassayampa 78

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA200704 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County comprehensive Plan and to Maricopa County in general.

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA200704, is hereby approved this 11th day of February, 2009.

by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

7. ZONE CHANGE - HASSAYAMPA 78

Case Number: Z2007051
Supervisory District: 4
Applicant: WRG Design, Inc. for Voyager Hassayampa 78 Investors, LLC
Location: Northwest corner of 339th Ave. & Thomas Rd. (in the Tonopah area)
Request: Zone Change from Rural-43 to R1-6 RUPD and CS-PD (approx. 80.2 ac.)
Commission Action: This On January 29, 2009, the Commission voted unanimously to recommend approval of Z2007051 subject to staff recommended stipulations "a" through "t".

The subject case was originally scheduled for the Commission hearing of January 15, 2009; however, due to an advertising error on the related CPA case, both cases were continued to January 29, 2009 and were double-advertised for the February 11, 2009 Board of Supervisors hearing. (C-44-09-086-7-00)

Darren Gerard said the recommendation is for approval with stipulations "a" through "t."

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

8. ZONE CHANGE - CTI INC.

Case Number: Z2006152
Supervisory District: 5
Applicant: Fennemore Craig, PC for CTI, Inc.
Location: North of Southern Avenue and east of 75th Avenue (in the south Phoenix Area)
Request: Zone Change from Rural-43 and IND-2 to IND-2 IUPD (approx. 10.21 ac.)
Commission Action: Approve by a unanimous vote of 7 - 0 subject to staff recommended stipulations "a" through "t". (C-44-09-087-7-00)

Darren Gerard gave background information on this zoning change. He said applicant has agreed not to construct any new buildings until sewer is available to the site, which is to be provided by the City of Phoenix. The recommendation is for approval with

stipulations "a" through "t."

Rod Jarvis, applicant, said he agreed with all the stipulations.

Supervisor Wilcox said she was also in agreement and would like to move this forward.

Motion to concur with Planning and Zoning Commission recommendation for approval with the following change to d.2:

d. `The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:

2. Employee and guest parking and drives be paved OR COVERED WITH A MIXTURE OF GRAVEL AND GROUND UP ASPHALT, OR SUCH OTHER DUST-CONTROL COVER AS DEEMED APPROPRIATE BY THE MARICOPA COUNTY AIR QUALITY DEPARTMENT DIRECTOR.

by: Supervisor Wilcox, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

9. ZONE CHANGE - DESERT WHISPER

Case Number: Z2007045

Supervisory
District: 5

Applicant: Beus Gilbert, PLLC for DB-Desert Whisper Investments, LLC

Location: Northwest corner of 363rd Avenue and Indian School Road (in the Tonopah / Arlington area)

Request: Zone Change from Rural-43 to R1-7 RUPD, R1-6 RUPD, R-4 RUPD, Rural-43 RUPD, IND-1 PD, C-O PD, C-S PD, all with PAD Overlay (approx. 960.87 ac.)

Commission Action: Approve by a unanimous vote of 7-0 subject to staff recommended stipulations "a" through "u".

The staff report included recommendation for an indefinite continuance due to the fact that the associated Development Agreement as required per DMP stipulation has yet to be enacted. However, staff's recommendation at the Commission hearing was verbally changed to approval because the DA is a tentative agenda item before the Board of Supervisors on February 11, 2009. If the DA is approved then the subject zoning case may be approved. (C-44-09-089-7-00)

Darren Gerard gave background information on this item and said the recommendation is for approval.

Supervisor Wilcox and Lynda Schobe, Beus Gilbert, for the applicant, are in agreement on approval of the zone changes.

Motion to concur with Planning and Zoning Commission for approval by: Supervisor Wilcox, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

10. PLAN OF DEVELOPMENT - 7TH ST. AND CAREFREE HWY. COMMERCIAL CENTER

Case Number: Z2007155

Supervisory

District: 3
Applicant: Jason and Darla Fronstin
Location: Southeast corner of 7th Street and Carefree Hwy. (north Phoenix/New River area)
Request: Precise Plan of Development in the C-2 PD zoning district and Carefree Highway Scenic Corridor (approx. 35,228 sq. ft.)
Commission Action: Approval by a vote of 7-0 subject to modified stipulations "a" – "p" which included revised stipulation "f". (C-44-09-088-7-00)

Darren Gerard gave background information and said there is no known opposition and the recommendation on this item is for approval with stipulations "a" through "p" and the revision of stipulation "f" -- he said two sentences were added to this stipulation and staff would like to reverse the order of those sentences for clarity.

Jason Fronstin, applicant, asked for another reading of the changes, which Mr. Gerard complied with, see below, and Mr. Fronstin said he was in accord with the changes. He complimented staff for their help to him in completing this matter satisfactorily.

Supervisor Kunasek said he was pleased with this development and the services this will add for that community. He asked to be updated on the wastewater needs of that area, saying he was unaware that the proposed district had fallen away and asked to be briefed on the Cave Creek Waste Water Treatment Plant construction within the next few weeks.

Motion to concur with Planning and Zoning Commission for approval with revised stipulation "f" by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 9:46 a.m.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board